

REMARKS

This is in response to the final Office Action mailed April 16, 2003, in which claims 1 and 16-21 were rejected. All pending claims are presented for reconsideration and allowance.

In Section 1 of the Office Action, the Examiner indicated that Applicant must cancel claims 2-15 and 22-49 or provide other appropriate action. With this Amendment, Applicant has cancelled claims 25-48, which are directed to a non-elected invention. Applicant requests that claims 5, 24 and 49 be rejoined to the application as being allowable species of generic claim 1, which is believed to be allowable for the reasons set forth below.

In Section 2 of the Office Action, the Examiner rejected claims 1 and 16-21 under 35 U.S.C. §103(a) as being anticipated by Groves et al. (U.S. Patent No. 5,414,439) in view of Lemelson et al. (U.S. Patent No. 6,226,389 B1). Applicant respectfully disagrees with the examiner's assessment of the cited references.

Claim 1 of the present application is directed to a display of stored objects in a conformal manner. The stored objects correspond to object information contained in a data storage system. Applicant submits that claim 1 should be given its broadest reasonable interpretation that is consistent with the specification. As explained in the specification at, page 29, lines 10-16, the term "conformal" means that the displayed or "virtual" images or objects are presented by the display in a fashion such that they are substantially aligned with the actual objects that would be seen by a user having an unobstructed field of view. The "stored objects" relate to real world stationary landmarks and objects, such as road elements (e.g., lane boundaries, lane barriers, lane stripes, etc.), street signs, and other landmarks, as explained in the specification at page 4,

lines 16-19. The "object information contained in a data storage system" defines the precise geographic locations of the landmarks corresponding to the stored objects. [Page 8, lines 12-18; Page 10, lines 12-28] Accordingly, the "stored objects" are different from sensed objects that are detected by radar or other means. [Page 11, line 16 through Page 12, line 4; FIG. 3F] FIG. 3E of the present application provides an example of such a conformal display, in which the stored objects being displayed in a conformal manner are the right and left lane boundaries and the center line.

Groves et al. utilize an IR camera to capture images of animals and other warm real world objects that are directly in front of the vehicle. The images are displayed to a user in real time. Groves et al. suggest that the captured images could be superimposed on the real image. [Col. 3, lines 56-58, FIG. 5] However, as acknowledged by the Examiner, Groves et al. fail to disclose the displaying of stored objects, or a data storage system containing object information corresponding to the stored objects. More importantly, Groves et al. fail to disclose displaying such stored objects in a conformal manner.

The Examiner found Lemelson et al. to teach a display of stored objects corresponding to object information contained in a data storage system, at FIG. 1, items 11-13 and Col. 15, line 45 through Col. 16, line 10. The cited portion of Lemelson et al. relates to a navigational display that provides information to the user, such as maps and the location and direction of travel. [Col. 15, lines 45-66] Lemelson et al. also disclose the storage of "trip or travel data" in memories 12 and 13. [Col. 16, lines 1-5] Additionally, Lemelson et al. disclose the display of map graphics based upon vehicle instant location data. [Col. 16, lines 5-10]

Applicant respectfully disputes the Examiner's conclusion that the combination of Groves et al. and Lemelson et

al. form the invention described in claim 1, and submits that the Examiner has failed to establish a *prima facie* case of obviousness against the claim. To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Additionally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Such a teaching or suggestion to make the claimed combination must be found in the prior art and not in Applicant's disclosure.

The Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claim 1, since there is no suggestion or motivation for their combination outside of Applicant's disclosure. The examiner found the combination to be desired "in order to display stored objects to warn the driver of hazardous conditions during driving by operating a display" and cites Col. 2, lines 23-24 of the SUMMARY OF THE INVENTION of Lemelson et al. as support therefore. However, the cited passage corresponds to a range sensing system of Lemelson et al., and is unrelated to the cited "stored objects" of trip/travel data and map graphics. Nowhere in Lemelson et al. is there any suggestion that the trip/travel data or the map graphics, could be used to provide a warning to the driver of hazardous conditions. Accordingly, Applicant submits that Examiner has failed to provide any motivation or suggestion for combining the stored trip/travel data or map graphics of Lemelson et al. with the display of Groves et al. outside of Applicant's disclosure.

Applicant asserts that, in this case, there must be some motivation or suggestion not only to modify Groves et al. to include a data storage system containing the object information corresponding to the stored objects, but also some suggestion or motivation to display those stored objects in a conformal manner.

"Whether the changes from the prior art are 'minor', . . . the changes must be evaluated in terms of the whole invention, including whether the prior art provides any teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the patentee's . . . device." Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 935, 15 USPQ2d 1321, 1324 (Fed. Cir.), cert. denied, 498 U.S. 920 (1990). This includes what could be characterized as simple changes, as in In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (Although a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down.)

Applicant submits that there is no motivation or suggestion to display the "stored objects" cited in Lemelson et al. in a conformal manner. Such a conformal display of the map graphics would require, at a minimum, a live satellite image of the vicinity of the traveling vehicle, over which the map graphics could be superimposed. Nowhere in Lemelson et al. or Groves et al. is there any suggestion or motivation of displaying the map graphics in a conformal manner over a real world view or image. Additionally, to provide such a conformal display of the map graphics, the map graphics would have to be very accurate. In other words, it would be necessary for the map graphics to have a precision of approximately less than a quarter of a meter in order to even roughly align the map with the real world view or image. However, graphical maps of the type described in Lemelson et al. are much too inaccurate (accuracy on the order of 20 to 25 meters) to be displayed in such a conformal manner with a real world view or image.

Likewise, there is no suggestion or motivation of providing a conformal display of the trip/travel data.. In general, there is no indication that the trip/travel data

corresponds to any type of real world object to which it could be displayed in a conformal manner. Accordingly, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness against claim 1.

Additionally, Applicant believes that the Examiner has failed to establish a *prima facie* case of obviousness against claim 1, since the cited references fail to teach or suggest all of the limitations of the claim. Neither Groves et al. nor Lemelson et al. teach or suggest the "stored objects" that correspond to "object information contained in a data storage system" as described in claim 1. Most importantly, neither Groves et al. nor Lemelson et al. teach or suggest a conformal display of the stored objects since, as explained above, there is no teaching or suggestion of displaying the trip/travel data or map graphics of Lemelson et al. in a conformal manner. Accordingly, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness against claim 1.

Therefore, Applicant submits that independent claim 1 is allowable, and requests that the rejection be withdrawn. Applicant further believes that claims 17-21 are allowable since they depend from allowable base claim 1, and requests that the rejections be withdrawn. Finally, Applicant submits that claims 5, 24 and 49 are allowable as being dependent from allowable generic claim 1, and requests that they be rejoined to the present application and allowed.

In view of the above comments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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MARKED-UP VERSION OF REPLACEMENT CLAIMS

Please cancel claims 25-48.